

**PLANNING AND ZONING MEETING  
THURSDAY, APRIL 21, 2016  
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at [www.casperwy.gov](http://www.casperwy.gov) on the Planning Commission web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Thursday, April 21, 2016, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present:     Bob King  
                              Randy Hein  
                              James Holloway  
                              Susan Frank  
                              Fred Feth  
                              Don Redder

Absent Members:     Ryan Waterbury

Others present:       V.H. McDonald, City Manager  
                              Craig Collins, City Planner  
                              Aaron Kloke, Planner I  
                              Dee Hardy, Administrative Support Technician  
                              Wallace Trembath, Assistant City Attorney  
                              Jason Knopp, City Engineer  
                              Steve Cathey, Council Liaison  
                              Carlos and David Iparraguirre, 2990 Pheasant Drive  
                              Ryan Welsh, WLC, 200 Pronghorn  
                              Kenneth Whipple, 1220 Morado Drive  
                              Bryn Whipple, 1220 Morado Drive  
                              David Gallup, 2707 Palmer  
                              Neville Tuft, 6208 Cornado Drive  
                              Alan Palmer, 19814 East 59<sup>th</sup> Drive, Aurora, CO  
                              Irene Cooke, Verizon Wireless, 1599 Co. Rd. 5221,  
                              Tabernash, CO  
                              Duane Reimer, 2012 Linda Vista Drive  
                              Peter Nicolaysen, 140 North Center Street  
                              Jerry Davis, 4954 Country Club Road  
                              Jeremy Scribner, 6117 Coronado Drive  
                              Ed Santos, 6791 Colfax Street, Coeur d'Alene, ID  
                              Bunky Loucks, 1555 West Coffman Avenue  
                              Kevin Eberle, 4130 Kodiak  
                              Bob Bailey, 2800 Ardon Lane  
                              Bob Sutter 1907 Rustic Drive  
                              Richard Binks, 6200 South Chestnut Street

John Spaulding, 1561 South Jackson Street  
Joe McQuade, 6230 South Jackson Street  
Matthew Dodds, 1531 West 60th Street

## **II. MINUTES OF THE PREVIOUS MEETING**

Chairman King asked if there were additions or corrections to the minutes of the March 17, 2016 Planning & Zoning Commission meeting.

There being none, Chairman King called for a motion to approve the minutes of the March 17, 2016 Planning & Zoning Commission.

Mr. Holloway made a motion to approve the minutes of the March 17, 2016 meeting. The motion was seconded by Mr. Redder. All those present voted aye. Minutes approved.

## **III. PUBLIC HEARING**

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

Chairman King entertained a motion to remove Case No. PLN-16-007-R from the table for consideration.

Mr. Feth made a motion to remove case PLN-16-007-R from the table for consideration. The motion was seconded by Ms. Frank. All those present voted aye. Motion passed.

**PLN-16-007-R – (Tabled March 17, 2016) Petition to vacate and replat Tract B of Falcon Crest III and Tract B and Tract C of Falcon Crest IV, to create McKinley Heights, comprising 1.71-acres, more or less, generally located at East 26<sup>th</sup> and South McKinley Streets. Applicant: David and Carlos Iparraguirre.**

Aaron Kloke, Planner I, presented the staff report and stated that the original staff report, considered at the March 17, 2016 Planning and Zoning Commission meeting, provided a recommendation that included three (3) suggested conditions of approval. Those conditions were as follows:

1. Curb cuts shall be minimized and limited to one common curb cut for each set of twin homes with a maximum width of twenty-four (24) feet along South McKinley Street.
2. On the final plat, Owner shall define shared points of access with dedicated shared access easements.
3. Owner shall repair any damaged or deficient sidewalks along the South McKinley Street and East 26<sup>th</sup> Street frontage of the subject property, as directed by the City Engineer.

Based on the revised plat that has been submitted for the Commission's consideration, staff is now providing an amended/updated list of suggested conditions for the Planning and Zoning Commission's consideration. The Planning Commission's decision, along with any recommended conditions of approval, will be forwarded to the City Council for final consideration.

1. Owner shall repair any damaged or deficient sidewalks along the South McKinley Street and East 26<sup>th</sup> Street frontage of the subject property, as directed by the City Engineer.
2. The ingress/egress private driveway providing access to the lots fronting South McKinley Street shall be designated as one-way only and appropriate signage shall be installed at the Owner's sole cost and expense.
3. The private driveway shall be paved to City standard specifications.

Mr. Klope entered seven (7) exhibits into the record for this case.

Chairman King opened the public hearing and asked for the person representing the case to come forward and explain the application.

Carlos and David Iparraguirre, 2990 Pheasant Drive, spoke in favor of this case.

There was discussion on:

- Narrow drive,
- Emergency vehicles access,
- Parking,
- Adding a fourth (4<sup>th</sup>) condition requiring a 24' wide driveway.

Chairman King asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-007-R, regarding the

proposed McKinley Heights Subdivision and forward a “do pass” recommendation to City Council.

Mr. Holloway made a motion to approve case PLN-16-007-R, replat creating McKinley Heights Subdivision and forward a “do pass” recommendation to Council with Conditions #1-3 listed in the staff report and a 4<sup>th</sup> Condition of a 24’ wide driveway. The motion was seconded by Mr. Hein. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-16-016-S** – Planned Unit Development (PUD) sub-area plan approval for Lots 6, 7, 11, 12, & 13, Block 5, The Heights Addition (a portion of the McMurry Business Park PUD). Said sub-area plan establishes, as the proposed use of the property, a 16,578 square foot (footprint), single-story church. The current address of the property is 1075 Morado. Applicant: Corporation of the Presiding Bishop of Jesus Christ of Latter-Day Saints.

Aaron Klope, Planner I, presented the staff report and recommended that if, after the public hearing, the Planning and Zoning Commission finds that the sub-area plan meets the minimum requirements of the McMurry Business Park Planned Unit Development (PUD) Guidelines and the Casper Municipal Code, staff recommends that the Planning and Zoning Commission approve the sub-area plan and forward it to the City Council with a “do pass” recommendation. Staff has provided two (2) recommended conditions of approval for the Planning and Zoning Commission’s consideration.

1. The Owner shall provide standard City curb, gutter and sidewalk along both Morado Drive frontages of its property.
2. Pursuant to the approved McMurry Business Park PUD Guidelines, prior to the commencement of construction/development, Owner shall obtain City approval of a detailed site plan for the site.

Mr. Klope entered seven (7) exhibits into the record for this case.

Chairman King opened the public hearing and asked for the person representing the case to come forward and explain the application.

Ryan Welsh, WLC, 200 Pronghorn, spoke in favor of this case, and advised he would answer questions.

Chairman King asked if the Conditions listed in the staff report were acceptable.

Mr. Welsh stated that the applicant did not agree with Condition #1.

There was discussion on:

- Drainage of the proposed site,
- Increased traffic in the area,
- Pedestrians and walkability,
- Curb, gutter and sidewalks standard within the City.

Mr. Kloke, entered six (6) photos provided by Mr. Welsh as exhibit “H.”

Chairman King asked for anyone wishing to comment in favor of or opposition to this case.

Kenneth Whipple, 1220 Morado Drive, spoke in favor of this case.

Bryn Whipple, 1220 Morado Drive, spoke in favor of this case.

David Gallup, 2707 Palmer, spoke in favor of this case.

Neville Tuft, 6208 Coronado, spoke in favor of this case.

Allan Palmer 19814 E 59<sup>th</sup> Drive, Aurora, Co spoke in favor of this case, and stated the green space around the church is private property and not a park.

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-016-S, regarding the sub-area plan and forward a “do pass” recommendation to City Council.

Ms. Frank made a motion to approve case PLN-16-016-S, a sub-area plan for the proposed church, with Conditions #1-2 listed in the staff report and forward a “do pass” recommendation to council. The motion was seconded by Mr. Holloway. All those present voted aye with the exception of Mr. Redder who voted nay. Motion passed.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-16-017-C** – Petition for a Conditional Use Permit for the construction of a 90’ tall cell tower/light pole in an ED (Education District) zoning district, located at Kelly Walsh High School football field. Said cell tower/light pole, located at the northwest corner of the stadium, will be 90’ in height to accommodate both light fixtures and

cellular antennas. Verizon will also replace the other three (3) existing, 69' tall stadium light poles with new light poles. Kelly Walsh High School is located at 3500 East 12<sup>th</sup> Street, Kelly Walsh Senior High School Addition to the City of Casper. Applicant: Natrona County School District No. 1.

Aaron Klope, Planner I, presented the staff report and recommended that if, after the public hearing, the Planning and Zoning Commission finds that the Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission articulate its findings, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. The cell tower/light pole shall be completed and in place within one (1) year from the date of approval of the Conditional Use Permit. If said cell tower/light pole is not completed and in place within a year, the Conditional Use Permit shall become null and void.
2. A detailed site plan shall be approved by the City prior to the commencement of construction.

Mr. Klope entered six (6) exhibits into the record for this case.

Chairman King opened the public hearing and asked for the person representing the case to come forward and explain the application.

Irene Cook, Verizon Wireless, 1599 Co. Rd. 5221, Tabernash, CO, spoke in favor of this case. She discussed the need for a cell tower in this area and the replacement and relocation of light poles on the Kelly Walsh High School stadium playing field.

Duane Reimer, 2012 Linda Vista Drive, explained that moving the light poles back from the playing surface would implement the latest technology in lighting. The lighting would be what is called focused and not flood lighting. This is a brighter light that does not bleed into the neighborhood.

Mr. Klope entered the two (2) pages of materials provided by Irene Cooke as exhibit "G."

Chairman King asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-017-C, Conditional Use Permit for the construction of a 90' tall cell tower/light pole in an ED (Education District) zoning district, located at 3500 East 12<sup>th</sup> Street, Kelly Walsh Senior High School.

Mr. Redder made a motion to approve case PLN-16-017-C for the construction of a 90' tall cell tower/light pole in an ED (Education District) zoning district, located at 3500 East

12<sup>th</sup> Street, Kelly Walsh Senior High School, with Conditions #1-2, for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Feth. All those present voted aye. Motion carried.

Mr. Holloway recused himself from the next case and left the room at 7:48 p.m.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-16-018-C** – Petition for a Conditional Use Permit for the construction of a 39,000 square foot indoor training and shooting center, including a 10,000 square foot retail store, in a C-1 (Neighborhood Convenience) zoning district, located on Lot 5, Block 2, Village Addition Commercial, 580 Landmark Drive. Applicant: East Valley Investments, LLC.

Aaron Klope, Planner I, presented the staff report and recommended that if, after the public hearing, the Planning and Zoning Commission finds that the Conditional Use Permit, meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission articulate its findings, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. The indoor training and shooting center shall be completed within one (1) year from the date of approval of the Conditional Use Permit. If said indoor training and shooting center is not completed within a year the Conditional Use Permit shall become null and void.
2. A detailed site plan shall be submitted to the City for review and approval. Special emphasis shall be given to providing adequate buffering from the adjacent multi-family residential development immediately to the south.
3. Construction materials and methods shall include adequate abatement of noise, noxious fumes, lead exposure, and structural barriers/backstops to prevent projectiles from exiting the facility.
4. The owner/operator of the facility shall comply with all federal, state and local regulations regarding the sale and discharge of weapons within the City of Casper limits.

Mr. Klope entered five (5) exhibits into the record for this case.

Chairman King opened the public hearing and asked for the person representing the case to come forward and explain the application.

Peter Nicolaysen, 140 North Center Street, spoke in favor of this case.

Mr. Kloke entered the nine (9) page materials provided by Mr. Nicolaysen as exhibit "F."

Jerry Davis, 4954 Country Club Road, spoke in favor of this case.

Jeremy Scribner, 6117 Coronado Drive, spoke in favor of this case.

Ed Santos, 6791 Colfax Street, Coeur d' Alene, ID, spoke in favor of this case.

Chairman King asked for anyone wishing to comment in favor of or opposition to this case.

Bunky Loucks, 1555 West Coffman Avenue, spoke in favor of this case.

Kevin Eberle, 4130 Kodiak, spoke in favor of this case.

Bob Bailey, 2800 Ardon Lane, spoke in favor of this case.

Bob Sutter, 1907 Rustic Drive, spoke in favor of this case.

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-018-C, Conditional Use Permit for the construction of a 39,000 square foot indoor training and shooting center, including a 10,000 square foot retail store, in a C-1 (Neighborhood Convenience) zoning district, located on Lot 5, Block 2, Village Addition Commercial, 580 Landmark Drive.

Mr. Redder made a motion to approve case PLN-16-018-C for the construction of a 39,000 square foot indoor training and shooting center, including a 10,000 square foot retail store, in a C-1 (Neighborhood Convenience) zoning district, located on Lot 5, Block 2, Village Addition Commercial, 580 Landmark Drive, with Conditions #1-4, for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Hein. All those present voted aye. Motion carried.

Mr. Holloway returned to the meeting at 8:26 p.m.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-16-019-C** – Petition for a Conditional Use Permit for the construction of an oversized detached accessory building (garage) in an R-1 (Residential Estate) zoning

district. Said garage consists of a 2,196 square foot addition to an existing detached garage, for a total footprint of 2,580 square feet. Per the Municipal Code, the maximum size of an accessory building (garage) is 1,500 square feet. The subject property is located on Lots 72 and 73, Sunrise Hills No 8 Addition, at 6200 South Chestnut Street. Applicant: Rick and Judy Binks.

Aaron Klope, Planner I, presented the staff report and recommended that if, after the public hearing, the Planning and Zoning Commission finds that the Conditional Use Permit, meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission articulate its findings, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. The accessory building (garage) shall be similar in design to the principal residential structure and surrounding neighborhood buildings, with comparable exterior residential siding materials and a similar roof pitch.
2. The maximum wall height of the structure shall be twelve (12) feet.
3. The accessory building (garage) shall be completed within one (1) year from the date of approval of the Conditional Use Permit. If said accessory building is not completed within a year, the Conditional Use Permit shall become null and void.

Mr. Klope entered eight (8) exhibits into the record for this case.

Chairman King opened the public hearing and asked for the person representing the case to come forward and explain the application.

Richard Binks, 6200 South Chestnut Street, spoke in favor of this case and introduced his contractor John Spaulding, 1561 South Jackson Street.

Chairman King asked for anyone wishing to comment in favor of or opposition to this case.

Joe McQuade, 6230 South Chestnut Street, spoke in opposition to this case. He indicated that after reviewing the public notice list for this case he did not think all of the neighbors had been notified.

Matthew Dodds, 1531 West 60<sup>th</sup> Street, spoke in opposition to this case.

Mr. Collins, City Planner, stated that it appeared that there may have been an error with Public Notice. He advised that the Planning and Zoning Commission should table this case to allow for proper notification as a precaution.

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-019-C, Conditional

Use Permit for the construction of an oversized detached accessory building (garage) in an R-1 (Residential Estate) zoning district. Said garage consists of a 2,196 square foot addition to an existing detached garage, for a total footprint of 2,580 square feet, located on Lots 72 and 73, Sunrise Hills No 8 Addition, at 6200 South Chestnut Street.

Mr. Holloway made a motion to table case PLN-16-019-C allow time for public notification. The motion was seconded by Ms. Frank. All those present voted aye. Motion carried.

#### **COUNCIL ACTIONS:**

Replat creating Heritage Hills Addition No. 4.

Replat creating Mesa Del Sol II, Lots 32B and 33B.

Annexation, plat and zoning creating La Hacienda Addition.

#### **V. SPECIAL ISSUES:**

There were none.

#### **VI. COMMUNICATIONS:**

##### **A. Commission:**

Chairman. King stated that on March 30, 2016 the Casper Historic Preservation Commission held a public meeting to discuss the listing of Downtown Casper in the National Register of Historic Places, attendees from the Commission were himself and Mr. Redder. He advised that on April 13, 2016, Chairman King, Mr. Redder, Mr. Holloway, and Mr. Feth attended the interviews for the Comprehensive Plan consultant.

##### **B. Community Development Director:**

There were none.

##### **Other Communications:**

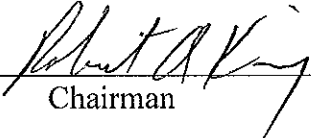
##### **C. There were none.**

##### **D. Council Liaison:**

There were none.

## VII. ADJOURNMENT

Chairman King called for a motion for the adjournment of the meeting. A motion was made by Ms. Frank and seconded by Mr. Redder to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 8:56 p.m.

  
Chairman

  
Secretary